

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00164

**Henry Lee Givens,**  
*Plaintiff,*

v.

**Maxey Cerliano,**  
*Defendant.*

Before BARKER, *District Judge*

**ORDER**

Henry Lee Givens, an inmate in Gregg County Jail who is proceeding pro se, filed this action on March 30, 2020. Doc. 1. He claims that Sheriff Maxey Cerliano has taken inadequate precautions to protect the jail's inmates from the COVID-19 pandemic. *Id.* at 4. Givens seeks money damages for "mental anguish." *Id.* The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3. On April 2, 2020, Judge Mitchell issued a report and recommendation that the case be dismissed without prejudice as frivolous and for failure to state a claim. Doc. 5 at 3. Judge Mitchell found that dismissal was warranted on the ground that a prisoner cannot bring a civil action for mental or emotional injury that he suffered while in jail unless he also shows physical injury. *Id.* at 1-2. Givens filed generalized objections to the report and recommendation on May 4, 2020. Doc. 6. He did not object specifically to any portion of the report and recommendation. *See id.*

The court must conduct a de novo review of "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). To obtain de novo review, the objecting party must "pinpoint those portions of the magistrate's report that the court must specially consider." *Nettles v. Wainwright*, 656 F.2d 986, 987 (5th Cir. 1981), *on reh'g*, 677 F.2d 404 (5th Cir. 1982). The district court is not required to entertain "[f]rivolous, conclusive

or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles*, 677 F.2d at 410 n.8, *overruled on other grounds by Douglass v. United States Auto Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Therefore, this court reviews the magistrate judge’s report and recommendation for clear error. *Douglass*, 79 F.3d at 1420.

The magistrate judge’s report and recommendation is not clearly erroneous. Therefore, the report and recommendation (Doc. 5) is **adopted**. This case is **dismissed without prejudice** as frivolous and for failure to state a claim. Any outstanding motions are **denied as moot**. The clerk of court is **directed** to close this case.

*So ordered by the court on June 17, 2020.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge